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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,188	10/14/2003	Kurt M. Hickey	2002-016	4210
54472 7590 06/22/2007 COATS & BENNETT/SONY ERICSSON 1400 CRESCENT GREEN SUITE 300 CARY, NC 27511			EXAMINER BUI, HUNG S	
			ART UNIT 2841	PAPER NUMBER
			MAIL DATE 06/22/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/685,188	<b>Applicant(s)</b> HICKEY, KURT M.	
	<b>Examiner</b> Hung S. Bui	<b>Art Unit</b> 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 is/are allowed.
- 6) ☒ Claim(s) 15-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/14/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15-21, 26-28 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miramontes [US 2002/0072395] in view of Japan [JP2004140434].

**Regarding claims 15, 28 and 30**, Miramontes discloses an electronic device (figures 1-2) comprising:

- a main body (2);
- a flip (having a letter I key 9, figure 2) having opposing sides attached to said main body, the flip being rotatable about a first axis (an axis is parallel with a vertical of the main body as shown in figure 2) of rotation between open and closed position;
- a first input interface on a first opposing side of the flip (figures 1-2); and
- a second input interface on a second opposing side of the flip (figures 1-2).

Miramontes discloses the instant claimed invention except for the flip being rotatable by a second axis that is perpendicular to the first axis of rotation.

Yamaguchi et al. disclose an electronic device (figures 1-4) having a main body (10) and a flip cover (17) being rotatable by a first rotation axis (29) and a second rotation axis (30, figures 1-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a hinge design of Yamaguchi et al. in Miramontes for the purpose of providing multiple rotational directions of the flip of the electronic device.

**Regarding claims 16-17**, Miramontes, as modified, discloses a display (3) on the main body and positioned such that the display being visible when the flip is in the closed position (figure 1).

**Regarding claims 18-19**, Miramontes discloses the first and second inputs are active the same time. Miramontes discloses the instant claimed invention except for the second input could not be active with the first and second input is active. However, when the electronic of Miramontes use the hinge design of Yamaguchi et al., the electronic device of Miramontes can use the first and second inputs to activate in the same time.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the hinge design of Yamaguchi et al. in the electronic device of Miramontes, for the purpose of using multiple inputs that are active in the same time.

**Regarding claims 20-21**, Miramontes, as modified, disclose the first and second input interfaces being selectively activated depending on the position of the flip and by the user.

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**Regarding claim 26**, Miramontes, as modified, disclose the first input interface comprising a pressure sensitive interface (figures 1-2).

**Regarding claims 27 and 31**, Miramontes, as modified, disclose the touch sensitive interface comprises a touch pad (figures 1-2).

3. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miramontes, as modified, as applied to claim 18 above, and further in view of Mak [US 2004/0085289].

**Regarding claims 22-25**, Miramontes, as modified, disclose the instant claimed invention except for the main body including a global control and/or a joystick control.

Mak discloses an electronic device (figure 3) having a main body including at least one a global control mounted thereon and will control an activation of the electronic device through input interfaces.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a global control in the main body of the electronic device of Miramontes, as suggested by Mak, for the purpose of providing accessible function of the electronic device.

4. Claims 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miramontes, as modified, as applied to claims 26 and 30 above, and further in view of Wendorff et al. [US 2003/0157957].

**Regarding claims 29 and 32**, Miramontes, as modified, disclose the instant claimed invention except for the second input interface comprising a game controller.

Wendorff et al. disclose an electronic device (figures 1-3) having a multiple input interfaces and wherein the input interface may replace as a game controller (paragraph 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the second input interface of Miramontes, as modified, by a game controller, as suggested by Wendorff et al., for the purpose of running game in the electronic device.

### ***Response to Arguments***

5. Applicant's arguments filed 11/09/2006 have been fully considered but they are not persuasive with respect to claims 15-32 and persuasive with respect to claims 1-14.

#### **Applicant argues that:**

[1]: Miramontes teaches away from the proposed combination with Yamaguchi.

#### **Examiner disagrees:**

Regarding to [1], In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837

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F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Miramontes discloses an electronic device having first and second input interfaces, a flip (having a letter 1-9, figure 2) is rotated in a first axis (a vertical axis parallel with a vertical side of a main body of a phone, figure 2); Yamaguchi et al. disclose an electronic device (figures 1-4) having a flip (17) being rotatable by a first rotation axis and a second axis. A skilled artisan would have been motivated to use the hinge design of Yamaguchi et al. for the hinge of the electronic device of Miramontes in order to rotate the flip of the electronic device of Miramontes in multiple directions. Applicant has not claimed any specific the operating mode of the electronic device in the claim 15.

**Applicant argues that:**

[2]: There is no third user input on the main body of the Miramontes device positioned to be at least partially covered by the flip when the flip is in the closed position.

**Examiner is acknowledged** to the applicant's arguments regarding to [2].

Therefore, the rejection of claims 1-14 are withdrawn and allowed.

***Allowable Subject Matter***

6. Claims 1-14 are allowed.
7. The following is an examiner's statement of reasons for allowance: In claim 1, applicant states that the limitation "a third input interface on the main body positioned to

be at least partially covered by the flip when the flip is in the closed position.” This limitation, in conjunction with other limitations as disclosed in the claim 1, was neither found to be disclosed, nor suggested by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung S. Bui whose telephone number is (571) 272-2102. The examiner can normally be reached on Monday-Friday 8:30AM-6:00PM.

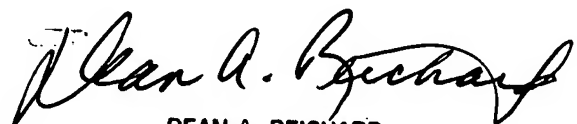
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A Reichard can be reached on (571) 272-1984. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

06/06/2007

**Hung Bui**

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DEAN A. REICHARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

6/20/07